

RESOLUTION NO. 20050623-037

WHEREAS, the City Council of the City of Austin has found that public necessity requires the acquisition by the City of certain real property interests as stated hereinafter for the purposes hereinafter stated; and

WHEREAS, the City of Austin has attempted to purchase said real property interests and has been unable to agree with the owner of the real property interests on the fair market value thereof; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Attorney, or other authorized designee, is hereby authorized and directed to file or cause to be filed a suit in eminent domain on behalf of the City of Austin against the owner now having or who may acquire an interest in the real property interests needed by the City, to acquire certain real property interests at the location hereinafter stated, for the purpose hereinafter stated, and from the owner hereinafter stated and/or its successors in interest, and to take whatever other action may be deemed appropriate to economically effect the needed acquisitions; said real property interests to be acquired are described in Exhibits "A," "B," and "C," which are attached hereto and made a part hereof for all purposes.

The City Attorney or other authorized designee shall file eminent domain proceedings for:

Owner: The Eparchy of Our Lady of Lebanon of Los Angeles

Project: Upper Tannehill - Broadmoor and Cameron Project, a portion of the Austin Clean Water Program

Intended Purpose: two permanent wastewater line easements, to upgrade and improve wastewater lines, to prevent leakage of wastewater lines, and to comply with a federal mandate; and, temporary working space easement, the temporary easement listed above is necessary to install wastewater lines.

Location: 1320 East 51st Street, Austin, Texas, and see attached field notes.

ADOPTED: June 23, 2005

ATTEST: 
Shirley A. Brown
City Clerk

The Eparchy of Our Lady of Lebanon of Los Angeles
12332/207, R.P.R.T.C.

To
City of Austin
(for Wastewater Easement)

FIELD NOTES FOR PARCEL 5007.22 WE-A

ALL OF THAT CERTAIN 0.002 ACRE (108 SQUARE FEET) TRACT OR PARCEL OF LAND SITUATED IN THE JAMES P. WALLACE SURVEY, TRAVIS COUNTY, TEXAS, AND OUT OF A CALLED 5.20 ACRE TRACT OF LAND CONVEYED BY WARRANTY DEED TO THE EPARCHY OF OUR LADY OF LEBANON OF LOS ANGELES IN VOLUME 12332, PAGE 207 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY (R.P.R.T.C.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 60-D nail set having Texas State Plane Coordinate (Texas Central Zone, NAD83(CORS), U.S. Feet, Combined Scale Factor 0.999939805) values of N=10085657.09, E=3126695.30, at the northeast corner of said 5.20 acre tract, said 60-D nail also being an ell corner of Lot 49, Block H of Windsor Park, Section 3 as recorded in Plat Book 7, Page 100 of the Travis County Plat Records (T.C.P.R.);

Thence, with the east line of said 5.20 acre tract, South 27 degrees 05 minutes 30 seconds West, a distance of 6.17 feet to a 60-D nail set having Texas State Plane Coordinate (Texas Central Zone, NAD83(CORS), U.S. Feet, Combined Scale Factor 0.999939805) values of N=10085651.60, E=3126692.48, for the **POINT OF BEGINNING** of the herein described tract;

Thence, continuing with the east line of said 5.20 acre tract, South 27 degrees 05 minutes 30 seconds West, passing at a distance of 1.59 feet the northwest corner Lot 2 of the United Pentecostal Church Addition as recorded in Plat Book 73, Page 2 of the T.C.P.R.; in all a total distance of 16.93 feet to a 60-D nail set on the northerly line of a 10' Sanitary Sewer Easement (S.S.E.) recorded in Volume 1163, Page 486 of the Travis County Deed Records (T.C.D.R.);

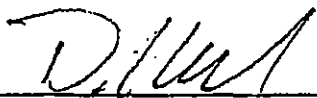
Thence, through and across said 5.20 acre tract the following two (2) courses and distances;

1. With the northerly line of said 10' S.S.E., North 78 degrees 47 minutes 04 seconds West, a distance of 13.27 feet to a 60-D nail set;
2. North 58 degrees 55 minutes 40 seconds East, a distance of 24.21 feet to the **POINT OF BEGINNING** and containing 0.002 acre (108 square feet) of land, more or less.

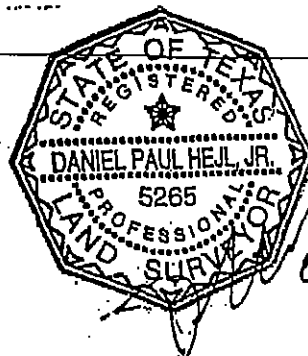
EXHIBIT "A"

I hereby certify that these field notes were prepared by Vara Land Surveying, Inc., from a survey made on the ground in August of 2003 under my supervision.

Prepared by Vara Land Surveying, Inc.



Daniel P. Hejl, Jr.
Registered Professional Land Surveyor No. 5265
Date: August 24, 2003



08/24/03

Bearing Basis: The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD83(CORS), combined scale factor=0.999939805). The reference for this project is a 1/2-inch iron rod found for the northeast corner of Lot 17, Block D, Windsor Park Section 4A and the northeast corner of Lot 16 Block D, Windsor Park Section 4A, having a grid bearing of North 22 degrees 32 minutes 01 seconds East (North 24 degrees 58 minutes East – plat bearing).

FIELD NOTES REVIEWED

By:  Date: 8-26-03

Austin Clean Water Program
Survey Coordinator

VARA LAND SURVEYING, INC.

Ph: (512) 836-2622

August 26, 2003

5007.22we-a.doc

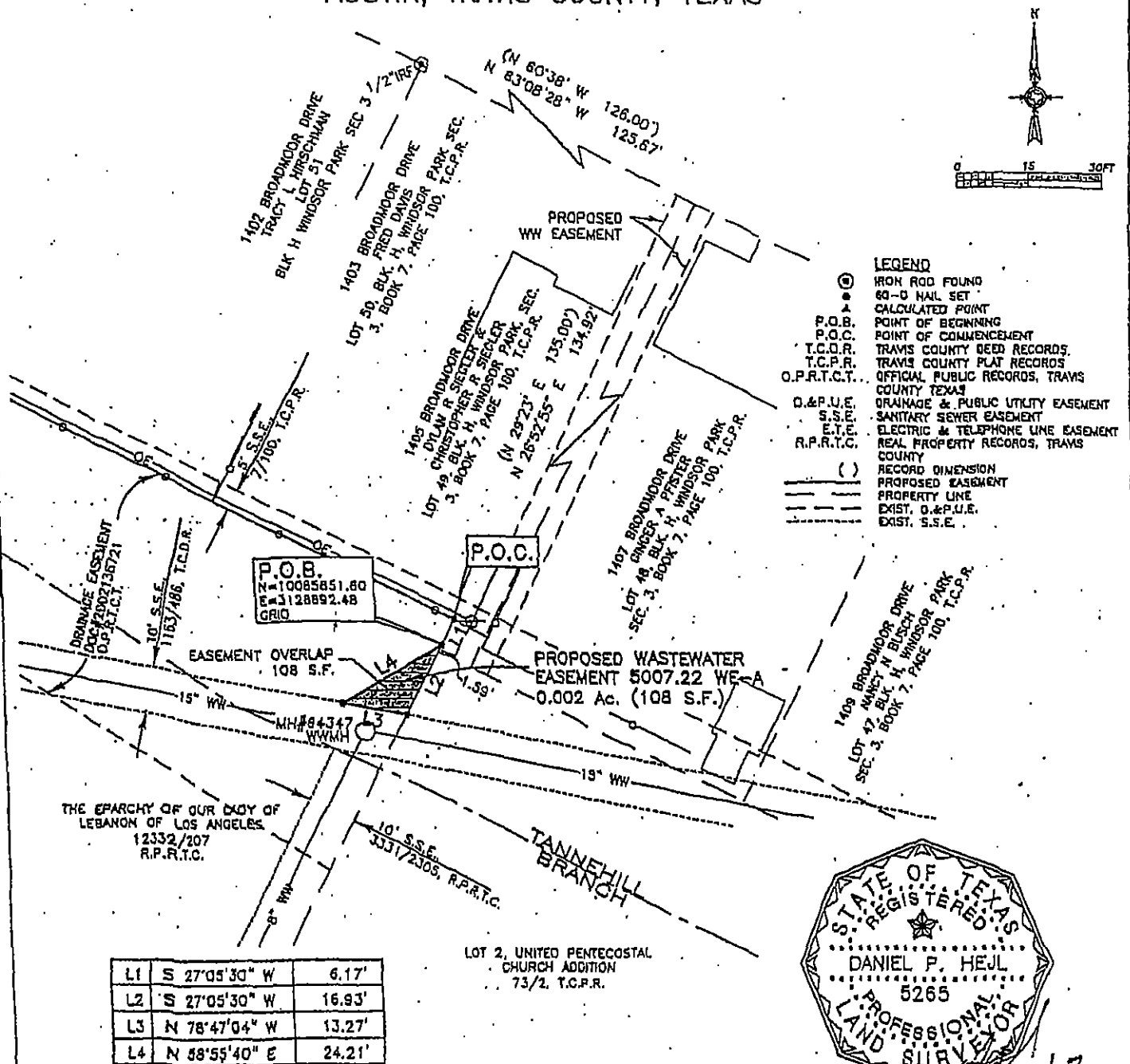
TCAD #02221405 15

Map Grid #L25

EXHIBIT "A"

Page 2 of 3

SURVEY OF A PORTION OF THE JAMES P. WALLACE SURVEY, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS



BEARING BASIS NOTE:
THE COORDINATES SHOWN ARE BASED ON THE TEXAS STATE PLANE COORDINATES, TEXAS CENTRAL ZONE, NAD83(CORS) DATUM. THE BEARINGS SHOWN ARE GRID BEARINGS. THESE COORDINATES WERE ESTABLISHED FROM REFERENCE POINT C822, HAVING COORDINATE VALUES N=10084531.41, E=3128111.59 AND REFERENCE POINT L-25-1001(RM03), HAVING COORDINATE VALUES N=10084864.093, E=3126476.150. COMBINED SCALE FACTOR=0.999939805. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

THIS SURVEY WAS PERFORMED WITH THE BENEFIT OF A CURRENT TITLE REPORT, G.F. No. 03070413, EFFECTIVE DATE: 7-02-03.

AS SURVEYED BY
VARA LAND SURVEYING, INC.

DANIEL P. HEUL, JR.
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5265

VARA LAND SURVEYING, INC.
601 Farley Drive, Austin, Texas 78753
(512) 535-2522 FAX (512) 535-0273

EXHIBIT "A"

The Eparchy of Our Lady of Lebanon of Los Angeles
12332/207, R.P.R.T.C.

To
City of Austin
(for Wastewater Easement)

FIELD NOTES FOR PARCEL 5007.22 WE

ALL OF THAT CERTAIN 0.04 ACRE (1,742 SQUARE FEET) TRACT OR PARCEL OF LAND SITUATED IN THE JAMES P. WALLACE SURVEY, TRAVIS COUNTY, TEXAS, AND OUT OF A CALLED 5.20 ACRE TRACT OF LAND CONVEYED BY WARRANTY DEED TO THE EPARCHY OF OUR LADY OF LEBANON OF LOS ANGELES IN VOLUME 12332, PAGE 207 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY (R.P.R.T.C.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 60-D nail set having Texas State Plane Coordinate (Texas Central Zone, NAD83(CORS), U.S. Feet, Combined Scale Factor 0.999939805) values of N=10085835.49, E=3126122.72, at the southeast corner of Lot 15, Block D of Windsor Park, Section 4A as recorded in Plat Book 15, Page 17 of the Travis County Plat Records (T.C.P.R.), said 60-D nail also being the northeast corner of that certain tract of land conveyed to the City of Austin in Volume 1698, Page 235 of the Travis County Deed Records (T.C.D.R.), also being on the westerly line of said 5.20 acre tract;

Thence, with the west line of said 5.20 acre tract and the east line of said Lot 15, North 18 degrees 56 minutes 46 seconds East, a distance of 20.62 feet to a 60-D nail set;

Thence, through and across said 5.20 acre tract the following three (3) courses and distances;

1. South 63 degrees 05 minutes 23 seconds East, a distance of 6.36 feet to a 60-D nail set;
2. North 53 degrees 00 minutes 29 seconds East, a distance of 89.29 feet to a 60-D nail set;
3. North 22 degrees 32 minutes 01 seconds East, a distance of 4.47 feet to a 60-D nail set on the north line of said 5.20 acre tract and the south line of Lot 16, Block D of said Windsor Park, Section 4A;

Thence, with the north line of said 5.20 acre tract and the south line of said Windsor Park, Section 4A, South 62 degrees 26 minutes 59 seconds East, a distance of 15.06 feet to a 60-D nail set;

Thence, through and across said 5.20 acre tract the following three (3) courses and distances;

1. South 22 degrees 32 minutes 01 seconds West, a distance of 7.24 feet to a 60-D nail set;

EXHIBIT "B"

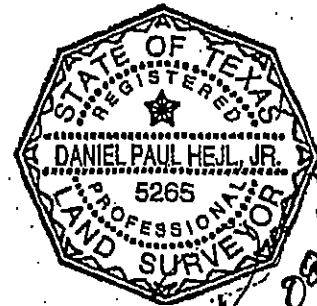
2. South 53 degrees 00 minutes 29 seconds West, a distance of 108.78 feet to a 60-D nail set;
3. North 63 degrees 01 minutes 59 seconds West, a distance of 10.20 feet to the **POINT OF BEGINNING** and containing 0.04 acre (1,742 square feet) of land, more or less.

I hereby certify that these field notes were prepared by Vara Land Surveying, Inc., from a survey made on the ground in August of 2003 under my supervision.



Prepared by Vara Land Surveying, Inc.



Daniel P. Hejl, Jr.
Registered Professional Land Surveyor No. 5265
Date: August 26, 2003



Bearing Basis: The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD83(CORS), combined scale factor=0.999939805). The reference for this project is a 1/2-inch iron rod found for the northeast corner of Lot 17, Block D, Windsor Park Section 4A and the northeast corner of Lot 16 Block D, Windsor Park Section 4A, having a grid bearing of North 22 degrees 32 minutes 01 seconds East (North 24 degrees 58 minutes East - plat bearing).


FIELD NOTES REVIEWED
By:  Date: 9-17-03
Austin Clean Water Program
Survey Coordinator

VARA LAND SURVEYING, INC.

Ph: (512) 836-2622

August 26, 2003

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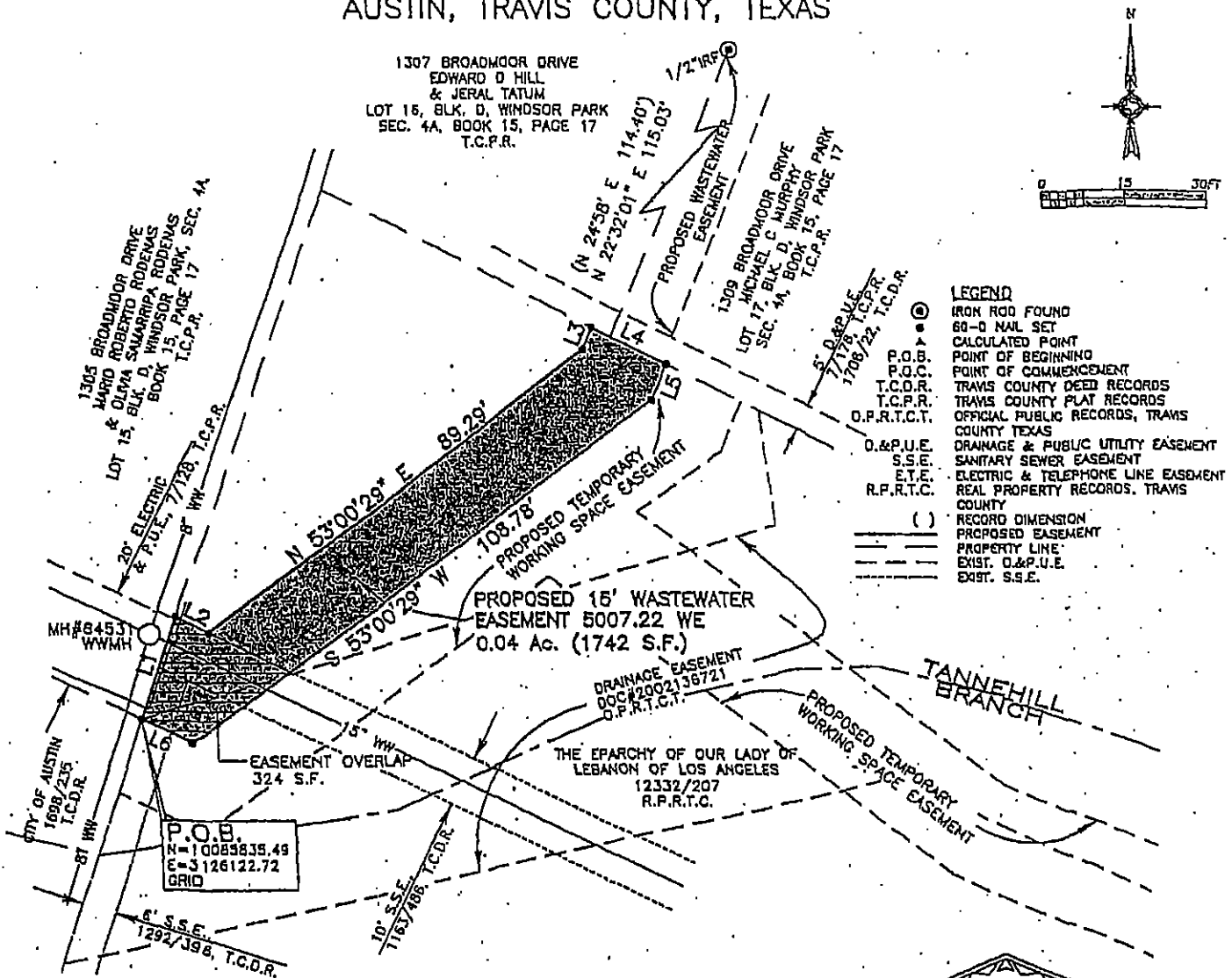
TCAD #0222140515

Map Grid #L25

EXHBIT "B"

Page 2 of 3

SURVEY OF A PORTION OF THE JAMES P. WALLACE SURVEY, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

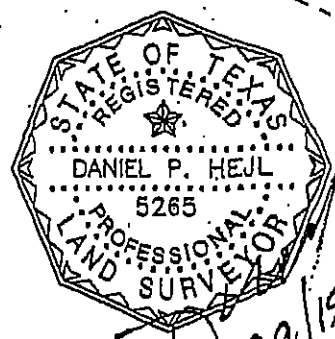


- LEGEND**
- IRON ROD FOUND
 - 60-0 NAIL SET
 - CALCULATED POINT
 - POINT OF BEGINNING
 - P.O.B.
 - P.O.C.
 - T.C.D.R.
 - T.C.P.R.
 - O.P.R.T.C.T.
 - O.&P.U.E.
 - S.S.E.
 - E.T.E.
 - R.P.R.T.C.
 - () RECORD DIMENSION
 - PROPOSED EASEMENT
 - PROPERTY LINE
 - EXIST. O.&P.U.E.
 - EXIST. S.S.E.

L1	N 18°58'46" E	20.82'
L2	S 83°05'23" E	8.36'
L3	N 22°32'01" E	4.47'
L4	S 62°26'59" E	15.06'
L5	S 22°32'01" W	7.24'
L6	N 63°01'59" W	10.20'

BEARING BASIS NOTE:
 THE COORDINATES SHOWN ARE BASED ON THE TEXAS STATE PLANE COORDINATES, TEXAS CENTRAL ZONE, NAD83(CORS) DATUM. THE BEARINGS SHOWN ARE GRID BEARINGS. THESE COORDINATES WERE ESTABLISHED FROM REFERENCE POINT CB22, HAVING COORDINATE VALUES N=10084531.41, E=3128111.59 AND REFERENCE POINT L-25-1001(RM03), HAVING COORDINATE VALUES N=10084864.093, E=3126476.150. COMBINED SCALE FACTOR=0.999939805. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

THIS SURVEY WAS PERFORMED WITH THE BENEFIT OF A CURRENT TITLE REPORT, G.F. No. 03070413, EFFECTIVE DATE: 7-02-03.



AS SURVEYED BY
 VARA LAND SURVEYING, INC.
 [Signature]
 DANIEL P. HEJL, JR.
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5265

VARA LAND SURVEYING, INC.
 601 Farley Drive, Austin, Texas 78753
 (512) 836-2522 FAX (512) 636-0273

The Eparchy of Our Lady of Lebanon of Los Angeles
12332/207, R.P.R.T.C.

To
City of Austin
(for Temporary Working Space Easement)

FIELD NOTES FOR PARCEL 5007.22 TWSE

ALL OF THAT CERTAIN 0.49 ACRE (21,166 SQUARE FEET) TRACT OR PARCEL OF LAND SITUATED IN THE JAMES P. WALLACE SURVEY, TRAVIS COUNTY, TEXAS, AND OUT OF A CALLED 5.20 ACRE TRACT OF LAND CONVEYED BY WARRANTY DEED TO THE EPARCHY OF OUR LADY OF LEBANON OF LOS ANGELES IN VOLUME 12332, PAGE 207 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY (R.P.R.T.C.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point having Texas State Plane Coordinate (Texas Central Zone, NAD83(CORS), U.S. Feet, Combined Scale Factor 0.999939805) values of N=10085835.49, E=3126122.72, at the southeast corner of Lot 15, Block D of Windsor Park, Section 4A as recorded in Plat Book 15, Page 17 of the Travis County Plat Records (T.C.P.R.), said 60-D nail also being the northeast corner of that certain tract of land conveyed to the City of Austin in Volume 1698, Page 235 of the Travis County Deed Records (T.C.D.R.), also being on the westerly line of said 5.20 acre tract;

Thence, through and across said 5.20 acre tract the following three (3) courses and distances;

1. South 63 degrees 01 minutes 59 seconds East, a distance of 10.20 feet to a calculated point;
2. North 53 degrees 00 minutes 29 seconds East, a distance of 108.78 feet to a calculated point;
3. North 22 degrees 32 minutes 01 seconds East, a distance of 7.24 feet to a calculated point on the north line of said 5.20 acre tract and the south line of Lot 17, Block D of said Windsor Park, Section 4A;

Thence, with the north line of said 5.20 acre tract and the south line of said Windsor Park, Section 4A, South 62 degrees 26 minutes 59 seconds East, a distance of 15.06 feet to a calculated point;

Thence, through and across said 5.20 acre tract the following five (5) courses and distances;

1. South 22 degrees 32 minutes 01 seconds West, a distance of 10.01 feet to a calculated point;
2. South 53 degrees 00 minutes 29 seconds West, a distance of 19.52 feet to a calculated point;

EXHIBIT "C"

3. South 51 degrees 59 minutes 12 seconds East, a distance of 86.37 feet to a calculated point;
4. South 62 degrees 18 minutes 19 seconds East, a distance of 352.57 feet to a calculated point;
5. North 81 degrees 52 minutes 27 seconds East, a distance of 77.62 feet to a calculated point on the southerly line of Lot 49, Block H of Windsor Park, Section 3, as recorded in Book 7, Page 100 of the T.C.P.R.;

Thence, with the south line of said Lot 49, South 62 degrees 32 minutes 42 seconds East, a distance of 25.67 feet to a calculated point for an ell corner of said Lot 49 and the northeast corner of said 5.20 acre tract;

Thence, with the easterly line of said 5.20 acre tract and the westerly line of said Lot 49, South 26 degrees 56 minutes 33 seconds West, a distance of 6.29 feet to a calculated point;

Thence, through and across said 5.20 acre tract the following two (2) courses and distances;

1. South 58 degrees 55 minutes 40 seconds West, a distance of 24.08 feet to a calculated point;
2. South 78 degrees 47 minutes 04 seconds East, a distance of 13.25 feet to a calculated point on the easterly line of said 5.20 acre tract, said point also being on the westerly line of Lot 2, First United Pentecostal Church Addition, recorded in Book 73, Page 2 of the T.C.P.R.;

Thence, with the easterly line of said 5.20 acre tract and the westerly line of said Lot 2, South 26 degrees 56 minutes 33 seconds West, a distance of 52.82 feet to a calculated point;

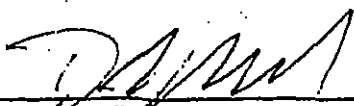
Thence, through and across said 5.20 acre tract the following six (6) courses and distances;

1. North 61 degrees 37 minutes 37 seconds West, a distance of 45.31 feet to a calculated point;
2. North 49 degrees 45 minutes 08 seconds West, a distance of 45.37 feet to a calculated point;
3. North 62 degrees 18 minutes 19 seconds West, a distance of 354.37 feet to a calculated point;
4. North 51 degrees 59 minutes 12 seconds West, a distance of 48.19 feet to a calculated point;
5. South 53 degrees 00 minutes 29 seconds West, a distance of 110.48 feet to a calculated point;
6. North 63 degrees 01 minutes 59 seconds West, a distance of 43.95 feet to the west line of said 5.20 acre tract and the east line of aforesaid City of Austin tract;

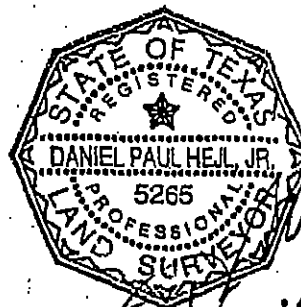
Thence, with the west line of said 5.20 acre tract and the east line of said City of Austin tract, North 18 degrees 10 minutes 54 seconds East, a distance of 49.86 feet to the **POINT OF BEGINNING** and containing 0.49 acre (21,166 square feet) of land, more or less.

I hereby certify that these field notes were prepared by Vara Land Surveying, Inc., from a survey made on the ground in October of 2003 under my supervision.

Prepared by Vara Land Surveying, Inc.



Daniel P. Heil, Jr.
Registered Professional Land Surveyor No. 5265
Date: October 2, 2003



Bearing Basis: The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD83(CORS), combined scale factor=0.999939805). The reference for this project is a 1/2-inch iron rod found for the northeast corner of Lot 17, of said Block D, Windsor Park Section 4A and the northeast corner of Lot 16 of said Block D, Windsor Park Section 4A, having a grid bearing of North 22 degrees 32 minutes 01 seconds East (North 24 degrees 58 minutes East – plat bearing).

FIELD NOTES REVIEWED

By:  Date: 10-7-03

Austin Clean Water Program
Survey Coordinator

VARA LAND SURVEYING, INC.

Ph: (512) 836-2622

October 2, 2003

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TCAD #0222140515

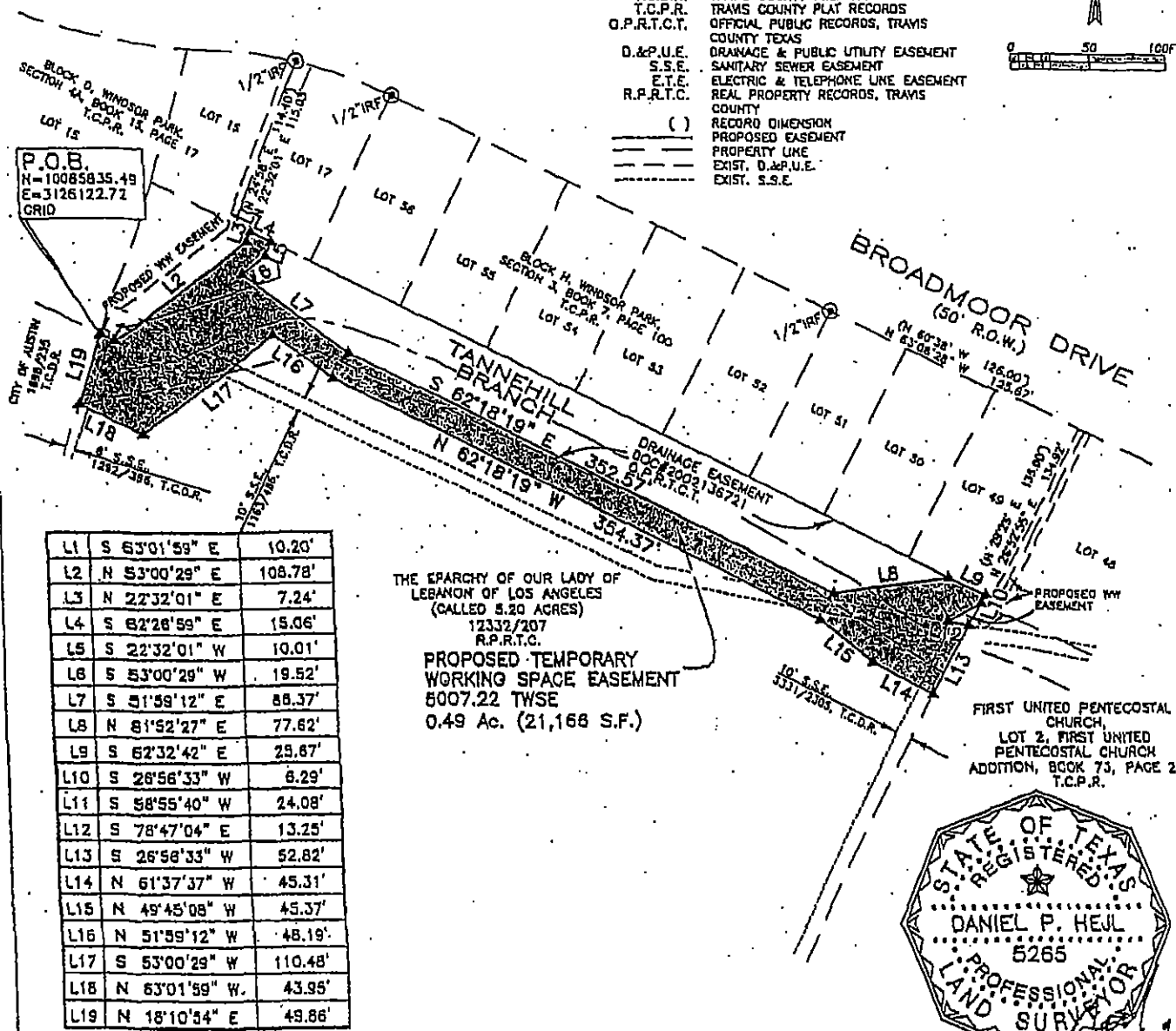
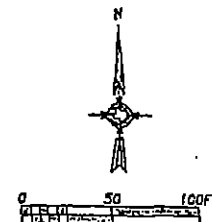
Map Grid #L25

EXHIBIT "C"

Page 3 of 4

SURVEY OF A PORTION OF THE JAMES P. WALLACE SURVEY, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

- LEGEND**
- IRON ROD FOUND
 - 80-0 NAIL SET
 - CALCULATED POINT
 - ▲ P.O.B.
 - P.O.C.
 - T.C.D.R.
 - T.C.P.R.
 - G.P.R.T.C.T.
 - D.&P.U.E.
 - S.S.E.
 - E.T.E.
 - R.P.R.T.C.
 - () RECORD DIMENSION
 - PROPOSED EASEMENT
 - PROPERTY LINE
 - EXIST. D.&P.U.E.
 - EXIST. S.S.E.



L1	S 63°01'59" E	10.20'
L2	N 53°00'29" E	108.78'
L3	N 22°32'01" E	7.24'
L4	S 62°28'59" E	15.06'
L5	S 22°32'01" W	10.01'
L6	S 53°00'29" W	19.52'
L7	S 51°59'12" E	88.37'
L8	N 81°52'27" E	77.62'
L9	S 62°32'42" E	25.87'
L10	S 28°56'33" W	8.29'
L11	S 58°55'40" W	24.08'
L12	S 78°47'04" E	13.25'
L13	S 28°58'33" W	52.82'
L14	N 61°37'37" W	45.31'
L15	N 49°45'08" W	45.37'
L16	N 51°59'12" W	48.19'
L17	S 53°00'29" W	110.48'
L18	N 63°01'59" W	43.95'
L19	N 18°10'54" E	49.86'

BEARING BASIS NOTE:
 THE COORDINATES SHOWN ARE BASED ON THE TEXAS STATE PLANE COORDINATES, TEXAS CENTRAL ZONE, NAD83(CORS) DATUM. THE BEARINGS SHOWN ARE GRID BEARINGS. THESE COORDINATES WERE ESTABLISHED FROM REFERENCE POINT CB22, HAVING COORDINATE VALUES N=10084531.41, E=3128111.59 AND REFERENCE POINT L-25-1001(RM03), HAVING COORDINATE VALUES N=10084864.093, E=3128476.150. COMBINED SCALE FACTOR=0.999939805. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

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AS SURVEYED BY
 VARA LAND SURVEYING, INC.

 DANIEL P. HEJL, JR.
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5265

VARA LAND SURVEYING, INC.
 601 Farley Drive, Austin, Texas 78753
 (512) 836-2522 FAX (512) 836-0273